

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT of Virginia
700 Main Street
Danville, Va 24541
1-434-793-7147

MAY - 5 2008

JOHN F. CORCORAN, CLERK
BY: *M. Hug*
DEPUTY CLERK

FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: *If 'more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

James W Blevins
6224 Dryburg Road
Scottsburg, Va 24589

Case No.: 4:08CV00014

-VS-

B. Full Name(s) of Defendant(s) NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

1. Terry Suarez- Mountain Empire Road; Big Stone Gap, Va 24219
2

4. Richard Phillips- Mountain Empire Road-Big Stone Gap, Va
24219

2.. Robert Sandell -Virginia Western Community Ccollege
PO Box 140007--Roanoke, Va 24038-4007

5.. Mountain Empire Community College-Mt Empire Road,
Big Stone Gap, Va 24219

3. Debbie Sydow -1585 Seneca Turnpike-Syracuse, NY 13215-4585

6. Virginia Community College -State of Virginia

101 North 14 Street--Richmond, Va 24319

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

*All of these sections **MUST** be answered*

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Violations of federal law - Residence and Part of case _____

State why the Western District of Virginia is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of Virginia.

B. Reason for Venue in the Western District: Residence of plaintiff also SVCC, South Hill, Va. refused a job opening based on MECC

Information although there were 33 years good evaluations.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit Civil-copyright I authored www.watereedu.com Mt Empire Administration misused the funds

Told me not to build the site. Which by their letter stated this. I proceeded to build this with a transcriber, editor, and web builder that the college did not pay for. the server was the colleges but was paid for by the VDH. Significant colleges were not used. Exhibits A- B- C- D-

+

Fair Labor Standards Act-Peers working on the site were threatened to be fired if I did not Resign. 3 years Salary \$150,000 Wsouthside was given a poor recommendations about me by MECC because I filed A grievence. See EEOC Complaint. The administration created a hostile atmosphere for building the site see grievence. FSLA-1A missing camera was treated 3 ways I was threatened to be fired, Another was threatened with criminal action, and a third 2as patted on the back for taking it home for months.

Equal Pay others were paid to build the site I was not This Accounts for \$500,000 See Grievence Page for page page cost. See Grievence attached

3. PARTIES TO THIS ACTION PLAINTIFF'S INFORMATION

NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: James W Blevins (Jay) _____
Present Address: 6224 Dryburg Road _____ Scottsburg, Va 24589 _____

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION **NOTE:** To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Terry Suarez And Mountain Empire Community College _____

Official Position of Defendant (if relevant): President _____

Address of Defendant: Mt Empire Road, Big Stone Gap, Va 24219 _____

Name of Second Defendant: Richard Phillips

Official Position of Defendant (if relevant): Dean

Address of Defendant: Mt Empire

Road, Big Stone Gap, Va 24219

Name of Third Defendant: Robert Sandell

Official Position of Defendant (if relevant):

Address of Defendant: Va Western

Community College 24219

Debbie Sydow-1585 Turnica Turnpike

Syracuse, NY 13215-4585

Virginia Community College System

101 North 14 Street-Richmond, Va 24319

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in **state or federal court** dealing with **the same facts involved in this action?**

Yes ☒ No

If Yes, complete the next section. **NOTE:** If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiffs: _____

A. FIRST CLAIM; On *(date of the incident)*. July, 1996, 1998, 1998

defendant *(give the name and (if relevant) the position held of each defendant involved in this incident)*

Robert Sandell -President

Debbie Sydow-Dean

Terry Suarez -President

Richard Phillips -Dean

Defendants):__

2. Court (if federal court, name the district; if state court, name the county):__

3. Docket or Index Number:

4. Name of Judge to whom case was assigned;

5. The approximate date the action was filed:__

6. What was the disposition of the case?

Is it still pending? Yes ___ No ___

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

___ Dismissed (check the statement which indicates why it was dismissed):

___ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted; ___ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

___ By court due to your voluntary withdrawal of claim;

___ Judgment upon motion or after trial entered for

___ plaintiff

___ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Violation of copyright -notice was served- continued to ignore the rightful owner.

FLSA violation Richard Phillips threatened to fire all employees of the site unless the plaintiff resigned.

A missing camera was was approached 3 ways for 3 employees,I was threatened to be fired,another was threatened with criminal prasecution,and a third was patted on back for taking it home without checking it out for months.

Equal pay was violated by Robert Sandell others were paid out of federal grants The Plaintiff was not.

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

defendant (give the name and (if relevant) the position held of each defendant involved in this incident)

Robert Sandell -President

Debbie Sydow-Dean

Terry Suarez -President

Richard Phillips -Dean

Defendants):__

2. Court (if federal court, name the district; if state court, name the county):__

3. Docket or Index Number:

4. Name of Judge to whom case was assigned;

5. The approximate date the action was filed:__

6. What was the disposition of the case?

Is it still pending? Yes ___ No ___

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

___ Dismissed (check the statement which indicates why it was dismissed):

___ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted; ___ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

___ By court due to your voluntary withdrawal of claim;

___ Judgment upon motion or after trial entered for

___ plaintiff

___ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Copyright issued by copyright office

FLSA document by e-mail and verbal

Equal pay documented by e-mail and memo

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) July, 1996

defendant (give the **name and (if relevant) the position held of each defendant** involved in this incident) Terry Suarez

did the following to me *(briefly state what each defendant named above did)*:

The federal basis for this claim is:

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes*'.

Copyright -I beg the court for justice -cease and desist order

B. SECOND CLAIM; On *(date of the incident)*
defendant *(give the name and (if relevant) position held of each defendant involved in this incident)*
FSLA-Receive back pay \$150,000

did the following to me *(briefly state what each defendant named above did)*:

Richard Phillips (Dean) told all working on site that they would be fired if I did not resign.

The federal basis for this claim is:

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes*:

I beg the federal court to -Order to pay back wages.and reinstate.

If you have additional claims, use the above format to set them out on additional sheets of paper.

Equal Pay-Order payment of funds equal to what other professors did and were paid for.\$500,000.00

I beg the court to-Order this to be paid.

Punitive Damages Hostile atmosphere 40 times other awards.

I beg the court to -Order this to be paid.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Copyright-Cease and Desist of Site

FLSA- \$150,000.00

Equal pay-\$600,000.00

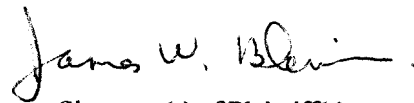
Punitive damages \$28,000,000.00

Do you want a jury trial? Yes ___ No_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*


Signature(s) of Plaintiff(s)

\ A